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15         Attorneys for Plaintiffs  
16         MAIL BOXES ETC., INC. and UNITED PARCEL  
17         SERVICE OF AMERICA, INC.

18         MAIL BOXES ETC., INC., and UNITED  
19         PARCEL SERVICE OF AMERICA, INC.

20         Plaintiffs,

21         v.

22         UNITED POSTAL BUSINESS CENTER,  
23         JOSEPH CHAN, individually, STANLEY  
24         CHAN, individually,

25         Defendants.

26           Case No. 08-CV-1383 LAB (BLM)

27           **JOINT MOTION FOR ENTRY OF  
28           TEMPORARY RESTRAINING ORDER**

29         Judge: Hon. Larry Burns

30         Place: Courtroom 9

1 Plaintiff Mail Boxes Etc., Inc. ("MBE") and Defendants United Postal Business Center,  
 2 Joseph Chan and Stanley Chan ("Defendants"), in accordance with Civil Local Rules 7.2 and  
 3 12.1, jointly move the Court to enter an Order granting MBE's *Ex Parte* Application For  
 4 Temporary Restraining Order. In support of this joint motion, the parties state as follows:

5 Defendants and all agents, servants, employees and all persons acting in concert with them  
 6 or on their behalf, pending further hearing on this matter, agree to entry of a temporary restraining  
 7 order, and thus shall be (either directly or indirectly):

8 a. **RESTRAINED** from:

- 9       1. using or displaying the Marks, or any other logos, symbols or trade dress in  
       connection with advertising, distribution, or display for sale of any product  
       or service;
- 10      2. making, in any manner whatsoever, any statement or representation, or  
       performing any act, likely to lead members of the public to believe that  
       defendants' store is in any manner, directly or indirectly, associated,  
       affiliated, connected with, licensed, sponsored, authorized or approved by  
       Plaintiffs;
- 11      3. taking any action, directly or indirectly, in any form or manner whatsoever,  
       that is likely to dilute the distinctive quality of Plaintiffs' famous registered  
       Marks or otherwise taking any action likely to cause tarnishment or  
       disparagement to Plaintiffs' business reputation;
- 12      4. otherwise infringing UPS' or MBE's trade name, trademark or service  
       marks, or otherwise competing unfairly with Plaintiffs in any manner; and

13 b. Defendants must file with the Court and serve upon MBE's counsel by no later  
 14 than August 25, 2008, a written report, under oath, setting forth in detail the manner in which they  
 15 have complied with such injunction or order.

16 The parties hereby agree that the Court's ORDER shall be effective immediately, from the  
 17 date entered, and shall expire ten (10) days after its entry unless Defendants consent that it may  
 18 be extended for a longer period.

19 ////

20 ////

21 ////

1 | Dated: August 13, 2008

DLA PIPER US LLP

By /s/ Timothy S. Blackford

Attorney for Plaintiffs  
Mail Boxes Etc., Inc. and  
United Parcel Service of America, Inc.  
[tim.blackford@dlapiper.com](mailto:tim.blackford@dlapiper.com)

7 Dated: August 13 2008

## **UNITED POSTAL BUSINESS CENTER**

Bx

Dated: August 2008

Dated: August 13, 2008

JOSEPH CHAN

STANLEY CHAN

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Attorneys for Plaintiffs  
MAIL BOXES ETC., INC. and UNITED PARCEL  
SERVICE OF AMERICA, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**MAIL BOXES ETC., INC., and UNITED  
PARCEL SERVICE OF AMERICA, INC.**

Case No. 08-CV-1383 LAB (BLM)

## PROOF OF SERVICE

Judge: Hon. Larry Burns  
Place: Courtroom 9

**Plaintiffs,**

v.

UNITED POSTAL BUSINESS CENTER,  
JOSEPH CHAN, individually, STANLEY  
CHAN, individually,

### Defendants.

## PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper US LLP, 401 B Street, San Diego, California 92101. On August 14, 2008, 2008, I served the within documents:

1. JOINT MOTION FOR ENTRY OF TEMPORARY RESTRAINING ORDER;
2. [PROPOSED] ORDER GRANTING JOINT MOTION FOR ENTRY OF TEMPORARY RESTRAINING ORDER

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, and deposited with UPS Overnight at San Diego, California addressed as set forth below.
- by transmitting via e-mail the document(s) listed above to the e-mail address(es) set forth below.
- by personally delivering the document(s) listed above at the address(es) set forth below.
- by transmitting via e-filing the document(s) listed above to the Case Management/ Electronic Case filing system.

Joseph Chan  
68 Alvarado Street  
Brisbane, CA 94005  
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Stanley Chan  
25009 Century Oaks Circle  
Castro Valley, CA 94552  
[stan.chan@jc-graphics.com](mailto:stan.chan@jc-graphics.com)

I declare that I am employed in the office of a member of the Bar of or permitted to practice before this Court at whose direction the service was made.

Executed on August 14, 2008, at San Diego, California.

Debby Brady  
Debby Brady